

### **REMARKS**

Consideration of this Preliminary Amendment is requested prior to examination of the subject application. No new matter is presented by virtue of this amendment.

Claims 1-30 are pending in the subject application. Claims 1, 2, 6, 10, 11, and 13 stand rejected under 35 U.S.C. 102(e). Claims 3-5, 8, 9, and 12 stand rejected under 35 U.S.C. 103(a). Claim 7 is objected to for depending from a rejected claim. Claims 14-20 have been allowed. Claim 1 has been amended and claims 21-30 have been newly added.

The Applicants appreciate the Examiner's thorough examination of the subject application and respectfully request reconsideration of the subject application based on the above amendment and the following remarks.

### **35 U.S.C. § 102(e) REJECTIONS**

The Examiner has rejected claims 1, 2, 6, 10, 11, and 13 under 35 USC 102(e) as being anticipated by U.S. Patent Number 6,426,774 to Driscoll ("Driscoll" or the "Driscoll Reference"). The Applicants respectfully traverse these rejections in view of the above amendment and for the reasons detailed below.

The invention as claimed discloses an imaging device in which an optical member 4 that is formed of a light-transmissive material is structured and arranged to be in contact with and holding a convex rotational mirror 3 and the imaging mechanism 8 to eliminate the hollow space between the mirror 3 and the optical member 4. See, e.g., Specification, page 10, lines 13-17. This configuration makes it possible to prevent diminution of the reflectance of light incident on the mirror 3 and to prevent noise, e.g., dust, moisture, etc., from degrading the quality of the image. See, e.g., Id., page 13, lines 9-16. Moreover, the structure of the present invention eliminates the need for an additional housing to hold the mirror and optical member.

The present invention also comprises an optical member 4 that includes a plane, or face, for releasing reflected light 7, which plane, or face, has a diameter that is greater than the diameter of the imaging section 10.

In contrast, the Driscoll reference discloses an optical member that only holds a mirror, requiring additional structure, e.g., a housing, to hold the imaging mechanism. The Driscoll reference also does not teach, mention or suggest a plane, or face, for releasing reflected light having a diameter that is greater than the diameter of the imaging section. Therefore, it is respectfully submitted that, claims 1, 2, 10, 11, and 13 are not anticipated or made obvious by Driscoll and, further, satisfy the requirements of 35 U.S.C. 100 et seq., especially § 102(e). As such, the Applicants believe that the claims are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

#### 35 U.S.C. § 103(a) REJECTIONS

The Examiner has rejected claims 3-6 under 35 USC 103(a) as being unpatentable over Driscoll in view of U.S. Patent Number 5,745,286 to Hawryluk ("Hawryluk" or the "Hawryluk Reference"); claims 8 and 9 under 35 USC 103(a) as being unpatentable over Driscoll; and claim 12 under 35 USC 103(a) as being unpatentable over Driscoll in view of U.S. Patent Number 6,169,637 to Tsunashima ("Tsunashima" or the "Tsunashima Reference"). The Applicants respectfully traverse these rejections for reasons detailed below.

#### Claims 8 and 9

For the reasons provided above and by the Examiner's admission, claim 1 as amended herein is not made obvious by the Driscoll reference and therefore all claims depending therefrom similarly are not made obvious. Thus, it is respectfully

submitted that, claims 8 and 9 satisfy the requirements of 35 U.S.C. 100 et seq., especially § 103(a), and are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

#### Claims 3-6

For the reasons provided above and by the Examiner's admission, claim 1 as amended herein is not made obvious by the Driscoll reference and therefore all claims depending therefrom similarly are not made obvious. The Hawryluk reference for an aspheric optical element cannot make up for the deficiencies of the Driscoll reference. Thus, it is respectfully submitted that, claims 3-6 are not made obvious by Driscoll in view of Hawryluk and, further, satisfy the requirements of 35 U.S.C. 100 et seq., especially § 103(a). As such, the Applicants believe that the claims are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

#### Claim 12

For the reasons provided above and by the Examiner's admission, claim 1 as amended herein is not made obvious by the Driscoll reference and therefore all claims depending therefrom similarly are not made obvious. The Tsunashima reference for an catadioptric lens cannot make up for the deficiencies of the Driscoll reference. Thus, it is respectfully submitted that, claim 12 is not made obvious by Driscoll in view of Tsunashima and, further, satisfies the requirements of 35 U.S.C. 100 et seq., especially § 103(a). As such, the Applicants believe that the claim is allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

The Applicants believe that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is

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owed for any excess fee paid, you are hereby authorized and requested to charge  
Deposit Account No. **04-1105**.

Respectfully submitted,

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